

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,444	04/24/2001	Xin Zhang	401185	1915

23548 7590 08/26/2004

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER

JONES, HUGH M

ART UNIT PAPER NUMBER

2128

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,444	ZHANG ET AL.	
	Examiner	Art Unit	
	Hugh Jones	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-5 of U. S. Application 09/840,444 filed 04/24/2001 are presented for examination.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities: there are no punctuation marks separating the preamble from the body of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the claim recites:

- supplying the computer information from databases relating to biomechanical and structural characteristics of human body and structural and mechanical characteristics of chosen textile materials for computational simulation of the information, and

- creating visual images for the monitor showing modules of structural functional designs.

Art Unit: 2128

5. Such features are not supported in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification broadly discloses use of such a system provides few enabling details of the system itself.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lennon (US 6,624,843).

8. Lennon discloses a retailing system, in which an image capture system is provided and used to capture reference images of models wearing apparel items. At a retailer's place of business, an image capture system substantially identical to that used to capture the reference images is also provided. A customer has his or her image captured by the image capture system at the retailer's place of business. Subsequently, when the customer is in close proximity to an image display area within the retailer's place of business, a composite image comprising the customer's captured image and one of the reference images may be

Art Unit: 2128

provided. The composite image may comprise full motion video or still images. In this manner, ***the customer is given the opportunity to virtually assess the selected merchandise without actually having to try on the apparel.*** The present invention allows apparel retailers and other purveyors of such items an opportunity to virtually "dress" the potential customer in featured merchandise as a virtual "fitting." As used herein, apparel includes clothing, accessories or any other items for which customer purchase decisions are typically based in part upon how the item appears when used by the customer. ***Through manipulation of digitized images, an image of the customer in a new apparel style is displayed. In addition, the image of the customer wearing the new apparel style can be shown under different lighting and background conditions*** such as in the evening at a restaurant, in a very dark dance hall, in a moderately lit boardroom, or walking along a downtown street during daylight hours. Sound effects and music can also be added to offer a fuller, more intense-effect viewing environment and enhance the entertainment aspects provided by the present invention.

9. In particular, Lennon discloses

1) A method of creating thermal functional designs of textiles and clothing using a computer and visual display monitor controlled by the computer, the method comprising:

supplying the computer information from databases relating to biomechanical and structural characteristics of human body and structural and mechanical characteristics of chosen textile materials for computational simulation of the information (fig. 1 (# 106); col. 3, lines 6-35; col. 4, lines 7-39; col. 5, lines 35-65; col. 8, line 47 to col. 9, line 11), and

creating visual images for the monitor showing modules of structural functional designs (fig. 5 (# 514, 516); col. 3, lines 6-35; col. 4, lines 7-39; col. 5, lines 35-65; col. 8, line 47 to col. 9, line 11).

2) The method according to claim 1 in which the database of the human body comprises human model data specific body functions, including size and shape (col. 3, lines 6-35; col. 4, lines 7-39; col. 5, lines 35-65; col. 8, line 47 to col. 9, line 11).

3) The method according to claim 1 in which the database of the garments comprises clothing patterns data and product specification data (col. 3, lines 6-35; col. 4, lines 7-39; col. 5, lines 35-65; col. 8, line 47 to col. 9, line 11).

4) The method according to claim 1 in which the database of the human body comprises mechanical property data, including clothing biomechanical and mechanical comfort data (col. 3, lines 6-35; col. 4, lines 7-39; col. 5, lines 35-65; col. 8, line 47 to col. 9, line 11).

5) the method according to claim 1 in which the database textile materials comprises structural and mechanical property data, including fibres, yarns, fabrics and garments (col. 3, lines 6-35; col. 4, lines 7-39; col. 5, lines 35-65; col. 8, line 47 to col. 9, line 11).

**10. Any inquiry concerning this communication or earlier communications from the examiner should be:
directed to:**

Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, **or** the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to: Commissioner of Patents and Trademarks

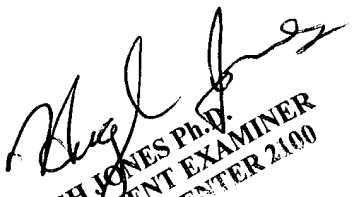
Washington, D.C. 20231

or faxed to: (703) 308-9051 (for formal communications intended for entry) **or**
(703) 308-1396 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Dr. Hugh Jones

Primary Patent Examiner

August 21, 2004


HUGH JONES Ph.D.
PRIMARY PATENT EXAMINER
PATENT CENTER 2100